



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,968	11/03/2003	Florian U. Bomers	5168-001	5026
24112	7590	01/08/2007	EXAMINER	
COATS & BENNETT, PLLC			KEATON, SHERROD L	
P O BOX 5			ART UNIT	PAPER NUMBER
RALEIGH, NC 27602			2112	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/08/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/699,968	BOMERS, FLORIAN U.	
	<b>Examiner</b>	<b>Art Unit</b>	
	sherrod keaton	2112	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 6 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 November 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 03 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7-03/11/03</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

This action is in response to the original filing of November 03, 2003. Claims 1-20 are pending and have been considered below:

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Fig 20-4 and 5 are disclosed, but are not in the drawing. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The use of the trademarks [BOME™, PALM™, WINDOWS™, MACINTOSH™, LINUX™] has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 and 11-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Leavitt et al. (US 2002/0085037).

**Claim 1:** Leavitt discloses a computer readable medium storing a computer program comprising:

- a.) a plurality of buttons “inputs” which translate the events and have assigned commands defined by the user. (Page 2, Paragraph 16)
- b.) a pointing device to activate an event associated with the buttons. (Page 3-4, Paragraph 56) Also disclosed is the ability to associate items on a steering wheel, rotary dials etc. to the buttons. (Page 5, Paragraph 75)

c.) discloses performing an assigned command associated with button once activated.

(Page 2, Paragraph 17)

**Claim 2:** Leavitt et al. discloses a computer readable medium storing a computer program as in Claim 1 above and further discloses allowing the input device to click the button, to detect the event. (Page 2, Paragraph 28)

**Claim 3:** Leavitt et al. discloses a computer readable medium storing a computer program as in Claim 1 above and further discloses clicking of the button then launching an application, open file etc. that indicates that the input was received. (Page 2, Paragraph 28)

**Claim 4:** Leavitt et al. discloses a computer readable medium storing a computer program as in Claim 1 above and further discloses assigning commands to the button for input events that and considered mapping. (Page 2, Paragraph 17)

**Claim 5 :** Leavitt et al. discloses a computer readable medium storing a computer program as in Claim 1 above and further discloses modifying inputs to one or more configured functions(Page 8, Paragraph 123)

**Claim 6 :** Leavitt et al. discloses a computer readable medium storing a computer program as in Claim 1 above and further discloses checking to see if the program is

open and if not it opens the program. This action swallows the request if the program is open otherwise allows it to pass. (Page 7, Paragraph 121)

**Claim 7:** Leavitt et al. discloses a computer readable medium storing a computer program as in Claim 1 above and further discloses single or multiple actions to occur from the interaction. (Page 2, Paragraph 23)

**Claim 8:** Leavitt et al. discloses a computer readable medium storing a computer program as in Claim 1 above and further discloses allowing command to launch a application or open other files. (Page 2, Paragraph 23)

**Claim 11:** Leavitt et al. discloses a method for adapting the computer such that inputs are modified according to the user defined preference comprising:

a.) a plurality of buttons “inputs” to receive events form an input device which then translate the events and have assigned commands defined by the user. (Page 2, Paragraph 16) Also disclosed is the assigning of commands to the button for input events that is considered mapping. (Page 2, Paragraph 17)

b.) a pointing device to activate an event associated with the buttons. (Page 3-4, Paragraph 56) In addition discloses the ability to associate items on a steering wheel, rotary dials etc. to the buttons. (Page 5, Paragraph75)

Art Unit: 2112

c.) clicking of the button, which detects the event. (Page 2, Paragraph 28) and discloses performing an assigned command associated with button once activated. (Page 2, Paragraph 17)

**Claim 12:** Leavitt et al. discloses a method for modifying input behavior comprising:

- a.) the ability to associate items on a steering wheel, rotary dials etc. to the buttons based on upon user preference. (Page 5, Paragraph 75)
- b.) defining translation behavior of each event translator responsive to input by a user. (Page 2, Paragraph 30)
- c.) clicking of the button and launching an application, opening a file, etc, which indicates that the input was received and executed. (Page 2, Paragraph 28)

**Claim 13:** Leavitt et al. discloses a method for modifying input behavior as in Claim 12 above comprising:

- a.) detecting operating system events associated with the selective types of incoming input events. (Page 2, Paragraph 23)
- b.) translating incoming input event according to the translation behavior defined by the associated event translator. (Page 2, Paragraph 28)

**Claim 14:** Leavitt et al. discloses a computer readable medium storing a program comprising:

- a.) program instructions to enable a user to select a type of the input event from a plurality of input event types. (Page 3, Paragraph 56)
- b.) program instructions to determine whether a given input event occurring during execution of the computer program matches the selected type of input. (Page 10, Paragraph 153)
- c.) program instructions to perform a desired input event translation by processing the given input according to one or more input event translation rules if the given input event matches the selected type of input event. (Page 10, Paragraph 153)

**Claim 15:** Leavitt et al. discloses a computer readable medium storing a program as in Claim 14 above and further discloses a program that comprises a WINDOWS™ based program configured for execution on a WINDOWS™ based computer. (Page 4, Paragraph 58)

**Claim 16:** Leavitt et al. discloses a computer readable medium storing a program as in Claim 14 above and further discloses enabling the user to select a type of input from a plurality of input event types. (Page 3, Paragraph 56)

**Claim 17 :** Leavitt et al. discloses a computer readable medium storing a program as in Claim 14 above and further discloses program instructions to perform one or more of a plurality of translations comprising remapping of the given input event type. (Page 8, Paragraph 123) (Page 7, Paragraph 121)

**Claim 18:** Leavitt et al. discloses a computer readable medium storing a program as in Claim 14 above and further discloses program instructions to remap input events of the selected type into input events of at least one other type. (Page 2, Paragraph 17)

**Claim 19:** Leavitt et al. discloses a computer readable medium storing a program as in Claim 14 above and further discloses program instructions to modify one or more event parameters of the input events of the selected type. (Page 8, Paragraph 123)

**Claim 20:** Leavitt et al. discloses a computer readable medium storing a program as in Claim 14 above and further discloses a wait, which is "time delay" in response to the input detection. (Page 10, Paragraph 151)

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leavitt et al. (US 2002/0085037).

Art Unit: 2112

**Claim 9:** Leavitt et al. discloses a computer readable medium storing a computer program of a user definable interface for event translation as in Claim1 above, but does not explicitly disclose that the events are connected graphically. However, he does disclose associating the event in text. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to also incorporate an icon with the associated plurality of commands. One would have been motivated to perform this operation to in order to allow users readily visualize the command they would like to incorporate.

**Claim 10 as in 9:** Leavitt et al. discloses a user definable interface for event translation as in Claim 9 above and further discloses dragging and dropping of this information.

(Page 8, Paragraph 131)

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a) Chalas (5392386) discloses a method and apparatus for adding functionality to the computer programs executing under graphical user interfaces

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrod Keaton whose telephone number is 571) 270-1697. The examiner can normally be reached on Mon. thru Fri. and alternating Fri. off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES MYHRE can be reached on 571) 270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SLK  
12-19-06



James Myhre  
Supervisory Patent Examiner

Application/Control Number: 10/699,968  
Art Unit: 2112

Page 11